

REMARKS

Status

This Amendment is responsive to the Office Action dated February 13, 2009, in which Claims 1-31 were rejected. Claims 16 and 29 have been previously cancelled; and claims 1, 3, 10, 11, 27 and 31 have been amended. Accordingly, Claims 1-15, 17-28, 30 and 31 are pending in the application, and are presented for reconsideration and allowance.

Telephone Interview

A telephone interview was conducted with the Examiner on March 24, 2009 and a summary of the substance is set forth below.

Claim Rejection - 35 USC 103

Independent Claims 1, 11, 27 and 31

Claims 1-31 stand rejected under 35 USC 103 as being unpatentable over US Patent No. 6,608,942 (Le), US Patent Appl. No. 2003/0023150 A1 (Yokoi) and US Patent No. 6,259,807 (Ravkin). This rejection is respectfully traversed.

As discussed with the Examiner, the Action on page 5 notes "In the process described by Le, **only the edge data is modified** for intensity and smoothing (and other) functions, thus preserving the anatomical structures of the non-crease data (the anatomical structure itself)." (emphasis added)

As also discussed with the Examiner this is essentially the opposite of what is recited in claim 1. Claim 1 calls for "correcting brightness of the in vivo images in other areas due to under exposure while **maintaining an original brightness range for the detected edge like crease anatomical** structures that are spatially unchanged" (emphasis added).

That is, Le modifies an edge while claim 1 calls for maintaining the edge and correcting brightness in other areas due to underexposure. It is submitted that Le has not been shown to teach or suggest the features of claim 1.

Yokoi is cited for its alleged acquiring of in vivo image data and Ravkin is cited for its alleged masking. Yokoi and Ravkin have not been shown to teach or suggest the features of claim 1.

Claims 11, 27 and 31 also emphasize a similar feature that is essentially the opposite of what is alleged for the prior art.

Withdrawal of the rejection of independent claims 1, 11, 27 and 31 is requested.

Dependent Claims

The dependent claims 2-10, 12-15, 17-26, 28 and 30 depend from the above-discussed independent claims and are patentable over the prior art for the reasons discussed above. The dependent claims also recite additional features not taught or suggested by the prior art.

For example, claim 20, in association with detecting of areas where light does not reach directly, calls for "forming a skeleton image of the threshold image; and testing the skeleton image for one or more areas where light rays are unable to reach directly". The Examiner has not pointed to anything in the prior art that teaches or suggests this. Indeed, neither Le or Yokoi or Ravkin mention skeletons much less testing skeleton images.

The Examiner is specifically requested to address the features of claim 20 if the rejection thereof is maintained.

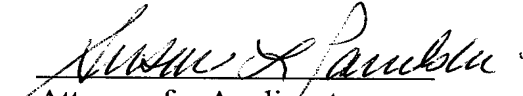
Nothing has been found in the prior art that teaches or suggests this. It is submitted that the dependent claims are independently patentable over the prior art.

Summary

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

For the reasons set forth above, it is believed that the application is in condition for allowance. Accordingly, reconsideration and favorable action are respectfully solicited.

Respectfully submitted,


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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Carestream Health, Inc. at 585/627-6687 or 585/627-6740.